

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISIONx-

EZRA STOKES

Plaintiff

vs.

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Case No.: _____

Social Security xxx-xx-9318

COMMISSIONER OF SOCIAL SECURITY

Defendant

PLAINTIFF PETITION FOR JUDICIAL REVIEW
AND REVERSAL OF UNFAVORABLE DECISION FOR
SOCIAL SECURITY DISABILITY BENEFITS

Plaintiff, by attorney Stephen T. Kennedy, alleges as follows:

1.

The jurisdiction of the Court is invoked pursuant to 42 U.S.C. § 405(g) [and 42 U.S.C. §1383(c)(3)] to review a decision of the Commissioner of Social Security, denying Plaintiff's application for Social Security benefits for lack of disability.

2.

This action is an appeal from a final administrative decision denying Plaintiff's claim and commenced within the appropriate time period set forth in the Action of Appeals Council on Request for Review, based on the Plaintiff's Request for late filing which was approved but not forwarded to Plaintiff's current counsel. Said Appeals Council denial was dated October 19, 2022. This action is commenced after an extension for late filing was approved but was not delivered to the undersigned attorney. The undersigned attorney was never notified of the approval for a late filing. Also, the Plaintiff had relocated his address, now residing at a homeless shelter located at 4589 Russwood Avenue, Stone Mt., GA 30083. The granting of the Petition for late filing was not received by the Plaintiff as it was sent to his prior address. This filing is made while a 2nd Petition for late filing is still pending.

3.

Plaintiff's Social Security Number, is omitted from this Complaint, which is filed with this Court in order to protect Plaintiff's privacy, but the SSN will be written on the copies of the Complaint, being served upon Defendant, the United States Attorney.

4.

Plaintiff resides in Dekalb County, Georgia and is within the jurisdiction of this Court.

5.

The Defendant is the Commissioner of the Social Security of the United States of America.

6.

Plaintiff is disabled.

7.

The conclusions and findings of act of the defendant are not supported by substantial evidence and are contrary to law and regulation.

WHEREFORE, Plaintiff, prays that this Court:

1. Reverse the decision of the Defendant; and
2. Find that the Plaintiff is entitled to disability benefits, under provision of the Social Security Act; or remand the decision for correcting the evidence, and

3. Award attorneys' fees under the Equal Access to Justice act, 28 U.S.C. § 2412(d), on the grounds that the Commissioner's action in this case was not substantially justified; and
4. Or such other and further relief as this Court deem just and proper.

This the 28th, day of February, 2023.

/s/ Stephen T. Kennedy
Stephen T. Kennedy
Attorney for Plaintiff
State Bar Number: 415021

2974 Lookout Place
Atlanta, GA 30305-3272
Phone: (678) 686-2995
E-Mail: SKennedy22@Mac.com

Certificate of Compliance

I hereby certify pursuant to Local Rules, 5.1 and 7.1Dm that the foregoing brief has been prepared using Times Roman, 14 point font.

/s/ Stephen T. Kennedy
Attorney for Plaintiff/Appellant